

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

FEB 24 2017

Civil Action File Number 17-cv-4026


Clerk

*
LESLIE JOHNSON,
Plaintiff,

vs.

STATE OF SOUTH DAKOTA, aka,
SOUTH DAKOTA DEPARTMENT OF
CORRECTIONS, DENNY KAEMINGK,
SECRETARY OF CORRECTIONS: CBM
FOOD SERVICE INC., aka. MARLIN
C. SEJNOHA JR.
Defendant's

) COMPLAINT FOR VIOLATIONS OF
FEDERAL LAW

COMES NOW, Leslie Johnson, hereinafter known as Plaintiff, Pro Se, herein filed with this Honorable Court a Complaint for Violations of Federal Law, along with a demand for damages, as so stated herein as follows:

STATEMENT OF JURISDICTION:

Plaintiff is a citizen of the State of South Dakota, and the Defendant's are Corporations operating as Public Corporations, such as the STATE OF SOUTH DAKOTA, aka, DEPARTMENT OF CORRECTION, and the other Defendant, CBM FOOD SERVIVE INC. aka. MARLIN C. SEJNOHA, is an Interstate Corporation operating in various STATE'S, which is incorporated under the Laws of the STATE OF SOUTH DAKOTA. This matter in controversy exceeds, exclusive of interest and costs, the sum specified by Title 28 U.S.C. § 1332, This action arises under the Sherman Antitrust Act, as amended by the Clayton Act in 1914, and title 15 U.S.C.A. § 1-7.

EXHAUSTING OF ADMINISTRATIVE REMEDY:

Plaintiff, has attempted to remedy this matter through the Administrative Remedy process as stated herein as follows:

1. Plaintiff on December 22, 2015, filed an Informal Resolution Request (hereinafter know as IRR) concerning the issue of CBM'S Monopoly over all our food at the Prison. See: IRR # 12525. The reply to said IRR was (Rejected--not a grievable issue). See: Response.

2. Plaintiff on August 15, 2016 filed an IRR, concerning CBM'S Monopoly pertaining to Religious Foods, purchased. See: IRR # 16459.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

*RE: C.B.M.
MONOPOLY*

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson Last Name

last, s. First Name

Inmate Number: DO02208310

Date: 12-22-15

Unit: M.O.S.P-H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

*FACT: C.B.M HAS BOTH THE FOOD SERVICE AND COMMISSION CONTRACTS FOR S.D.O.A.C.
FACT: AS FOOD SERVER YOU CAN AND DO MANIPULATE QUALITY PORTIONS SIZE,
TEMP, AND ALL OTHER ASPECTS OF THE FOOD SERVED, IN ORDER TO CAUSE
STAFFERS DOWN INMATES DRIVING COMMISSION. IT IS A KNOWN
FACT THAT HUNGRY SHOPPERS BUY MUCH MORE FOOD AND INFLUENCE
SHOP THEIR WAY DRIVING UP THE COMMISSION SALES AND PROFITS
FOR C.B.M, AND THE S.D.O.A.C. CAUSING A MONOPOLY*

What action are you requesting: *I WANT TO KNOW WHY S.D.O.A.C. ADMINISTRATION,
THE STAFF, AND OFFICERS WOULD ALLOW C.B.M TO MANIPULATE THE
FOOD QUALITY, PORTION SIZES, TEMPS OF THE FOOD AND OTHER MEANS
TO DISCOURAGE INMATES EATING SO AS TO DRIVE UP
COMMISSION PURCHASES AT PAY HALF PRICE*

For Staff Use:

Date Received: 12-22-15

Received By: W.H. [Signature]

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response. *PURSUANT TO F.R.C.P. RULE # 26 ANY*

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receipting in. *INFORMATION RECEIVED WILL BE
USED AS DISCOVERY*

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 12525

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 12/31/2015 **LOCATION:** Mike Durfee State Prison

RE: Food Service **STATUS:** Denied

OFFICIAL RESPONSE:

Rejected--not a grievable issue.

X Deb Eilers / Deb Eilers
Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE: 8th & 14th Amendment Violations
16450
Inmate Name: Johnson

INFORMAL RESOLUTION REQUEST

Leslie

First Name

Inmate Number 0000008310

Last Name

Date: 8-7-16

Unit: M.D.S.P.-H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

D.O.C. ADMINISTRATION AT M.D.S.P. TELLS INMATES ANY AND ALL FOODS COMING INTO THE PRISON MUST BE PREPARED BY C.B.M. AS WELL AS ORDERED FROM C.B.M. OR AT LEAST COME THROUGH C.B.M. THIS EXCLUDES ALL RELIGIOUS FOOD PURCHASES OR DONATIONS. THE FOOD MUST BE PREPARED BY C.B.M. BECAUSE THAT IS WHAT SINCE FALL IS DOING. THE FACTS ARE THAT INMATES IN S.F. ARE STILL ORDERING OUTSIDE FOODS SUCH AS CHICKEN, DONUTS, PIZZA, AND BURGERS. (SEE PAGE TWO OF THIS I.R.R.)

What action are you requesting: I WANT TO KNOW WHY D.O.C. ADMINISTRATION AT M.D.S.P. IS VIOLATING THE 14TH AMENDMENT, EQUAL TREATMENT AND PROTECTION FOR ALL ALONG WITH THE 8TH AMENDMENT. CRUEL AND UNUSUAL PUNISHMENT. BY FORCING C.B.M. ON INMATES FOR ANY AND ALL FOODS ENTERING THE PRISON

For Staff Use:

Date Received:

8-8-16

Received By:

Julie Stover

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receipting in.

Pursuant to F.A.C.P. Rule #26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERY

16459

PAGE TWO OF 8TH + 14TH AMENDMENT VIOLATIONS, I.R.R.

These Religious Feeds Are Still Being Done
The Same Way. (Example)

There St. Agnes Reformation Meal Is
Still Donated And Is Still Burgers And
Bratty. As It Has Always Been.

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 16459

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 08/15/2016 LOCATION: Mike Durfee State Prison

RE: Food Service STATUS: Denied

OFFICIAL RESPONSE:

Rejected - cannot grieve as a group.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE: 8th & 14th Amendment
Violations

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson

Last Name

Leslie

First Name

Inmate Number 0000008310

Date: 8-19-16

Unit: M.D.S.P. 11-102-7

State your problem/complaint. Be specific, giving dates, times and places:

I HAVE ATTENDED ST. DYSMITS CHURCH FOR THE PAST 3-4 yrs. AS A ELCA PRISON CONGREGATION. THEY CELEBRATE AND CELEBRATE THE LUTHERAN REFORMATION ANNUALLY. THROUGH DONATIONS FROM THE OUTSIDE CHURCHES THE MEAL IS A BURGER, MASHED POTATOES AND GRINNINGS. THE O.D.L ADMINISTRATION AT M.D.S.P. HAS STOPPED ANY AND ALL FOODS FROM COMING INTO THE PRISON UNLESS C.B.M. ORDERS AND PREPARES ALL FOODS. ALL THIS BECAUSE SODA FALLS IS DOING SUCH. BUT THE FACT IS (SEE PAGE TWO)

What action are you requesting: I WANT THE ADMINISTRATION AT M.D.S.P. TO STOP ALL CIVIL RIGHTS VIOLATIONS. AND RETURN THE HANDLING OF THE LUTHERAN REFORMATION MEAL BACK TO ST. DYSMITS.

For Staff Use:

Date Received:

8-19-16

Received By:

Julie Stevens

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receiving in.

PURSUANT TO F.R.C.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERY

16457

PAGE TWO OF I.R.A. 8th & 14th Amendment Violations

SIOUR FAILS AS NOT DOING THIS THEREFORE
THIS TYPE OF SEPARATION OF PRISONERS IS A 14th
AMENDMENT VIOLATION OF FAIR AND EQUAL
TREATMENT. ANY FORM OF FORCING IS A 8th
AMENDMENT VIOLATION OF CRUEL AND UNUSUAL
PUNISHMENT.

**SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE**



Informal Resolution Response

REFERENCE #: 16657

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 08/25/2016 **LOCATION:** Mike Durfee State Prison

RE: Religious **STATUS:** Informational

OFFICIAL RESPONSE:

Religious Programs are approved through the Project Applications with orders going through CBM.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Request For Administrative Remedy
Please refer to DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE: 16657

REQUEST FOR ADMINISTRATIVE REMEDY

Inmate Name: Johnson Inmate Number 000000830
Last Name First Name

Date: 8-28-16Unit M.O.S.P. - H-102-4

State your problem, complaint and the action you request. (Attach original Informal Request Form.)

USE OF A MODEL APPLICATION HAS NO BEARING ON THE FACTS. THAT OUR RELIGIOUS GROUP IS ALLOWED ONE THING AND THE NEXT RELIGIOUS GROUP IS DENIED THE SAME THING. IS PROOF THE 8TH AND 14TH AMENDMENTS VIOLATIONS ARE STILL IN PRACTICE AND STILL DELIBERATE. I STILL WANT THE ADMINISTRATION AT M.O.S.P. TO STOP ALL CIVIL RIGHTS VIOLATIONS AND ALLOW ALL RELIGIOUS GROUPS THE SAME FAIR AND EQUAL TREATMENT WITH OUT ANY FORM OF FAVORITISM.

Do not write below this line. Use additional paper if necessary.

Date Received: 8-29-16 JpReference: 16657Received By: R. flute

(Administrative Remedy Coordinator Designee)

Assigned To: N. ChristensenDate Reply Received: 9/1/16Sent to Inmate On: 8-7-16

Original: To Administrative Remedy File after Warden's response completed.

Copy 1: To Central Records if disciplinary or classification.

Copy 2: To the Inmate with the Warden's response.

Copy 3: To the Unit File with the Warden's response.

Copy 4: To the Inmate when the form is first turned in.

PURSUANT TO F.R.C.P. Rule #26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERY

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Administrative Remedy Response

REFERENCE #: 16657

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 08/31/2016 **LOCATION:** Mike Durfee State Prison

RE: Religious **STATUS:** Informational

OFFICIAL RESPONSE:

This is in response to your request for Administrative Remedy wherein you state that the Lutheran Reformation meal has been changed from previous years. You requested the meal be organized by the St. Dysmas organization.

This issue has been reviewed. All special religious events are submitted for approval via a project application. Event food menus are reviewed by staff and must meet the Administration's guidelines before being approved. This is for informational purpose.



A handwritten signature in blue ink, appearing to read "R. L. Cook". Below the signature is the title "Warden".

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE: 8th & 14th AMENDMENT
Violations

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson
Last Name

Leslie
First Name

Inmate Number 0000018310

Date: 8-19-16

Unit M.D.S.P.-H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

FOR SEVERAL yrs. TWICE ANNUALLY I HAVE BEEN ALLOWED TO PURCHASE FOODS FROM OUTSIDE VENDORS. FOODS SUCH AS PIZZA, CHICKEN, BURGERS, AND DONUTS. NOW THE ADMINISTRATION AT M.D.S.P. SAYS SIOUX FALLS IS USING C.B.M. FOR ALL PURCHASED FOODS. SO M.D.S.P. MUST DO THE SAME. THE FACT IS SIOUX FALLS IS NOT DOING THIS AT ALL. THIS IS A BLATANT AND DELIBERATE SEPARATION OF PRISONS IS A 14TH AMENDMENT VIOLATION OF FAIR AND EQUAL TREATMENT. (SEE PAGE TWO)

What action are you requesting: I WANT THE ADMINISTRATION AT M.D.S.P. TO STOP ALL CIVIL RIGHTS VIOLATIONS.
AND REINSTATE MY ABILITY TO PURCHASE FOODS FROM OUTSIDE VENDORS.

For Staff Use:

Date Received:

8-19-16

Received By:

Julie Stevens

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receiving in.

PURSUANT TO F.R.C.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED IN DISCOVERY

16658

PAGE TWO OF I.R.A. 8TH & 14TH AMENDMENT VIOLATIONS

AS WELL ANY FORM OF FORCING IS A 8TH AMENDMENT
VIOLATION OF CRUEL AND UNUSUAL PUNISHMENTS.

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 16658

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 08/25/2016 LOCATION: Mike Durfee State Prison

RE: Food Service STATUS: Informational

OFFICIAL RESPONSE:

Fundraiser's are an optional program that is up to the discretion of Administration.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Request For Administrative Remedy
Please refer to DOC policy 1.3.E.2
Administrative Remedy for Inmates

RL: 16658

REQUEST FOR ADMINISTRATIVE REMEDY

Inmate Name: Johnson
Last Name

Leslie
First Name

Inmate Number 000000830Date: 8-28-16Unit M.O.S.P-H-102-A

State your problem, complaint and the action you request. (Attach original Informal Request Form.)

EVER AS A FOOD RAISER. THE ADMINISTRATION STILL FORCES ME TO PURCHASE THE FOODS FROM C.B.M. A FOOD WHICH SIOUX CITY IS NOT FAMILIAR WITH. THAT FACT SHOWS THE 8TH & 14TH AMENDMENT VIOLATIONS ARE DELIBERATE.
I STILL WANT THE ADMINISTRATION AT M.O.S.P. TO STOP ALL DELIBERATE CIVIL RIGHTS VIOLATIONS. AND ALLOW THE PURCHASE OF FOODS WITH OUT C.B.M. PRICE GOUGING AND ALLOW OUTSIDE INDIVIDUALS TO FIX PRICING.

Do not write below this line. Use additional paper if necessary.

Date Received: 8-29-16 JPReference: 16658Received By: B. Fluke

(Administrative Remedy Coordinator Designee)

Assigned To: N. ChristensenDate Reply Received: 9/1/16Sent to Inmate On: 8-31-16

Original: To Administrative Remedy File after Warden's response completed.

Copy 1: To Central Records if disciplinary or classification.

Copy 2: To the Inmate with the Warden's response.

Copy 3: To the Unit File with the Warden's response.

Copy 4: To the Inmate when the form is first turned in.

PURSUANT TO F.A.L.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERED

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Administrative Remedy Response

REFERENCE #: 16658

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 08/31/2016 **LOCATION:** Mike Durfee State Prison

RE: Food Service **STATUS:** Informational

OFFICIAL RESPONSE:

This is in response to your request for Administrative Remedy wherein you state that you are being forced to purchase food from CBM when participating with a fundraising event. You requested to be allowed to purchase food from an outside vendor.

This issue has been reviewed. Inmates are not required to participate in a fundraising event where food can be purchased. Fundraising events and details are approved at the Warden's discretion. This is for informational purposes.



A handwritten signature in blue ink, appearing to read "B. L. Cook", is placed over a horizontal line. Below the line, the word "Warden" is printed in a small, sans-serif font.

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE: NO PROPER DIET
16789

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson
Last Name

Leslie
First Name

Inmate Number 000008310

Date: 8-30-16

Unit: M.D.S.P.H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

I HAVE ~~had~~ ISCHEMIC CARDIOMYOPATHY, CORONARY ARTERY DISEASE, DILATED CARDIOMYOPATHY, TWO STENTS, LEFT BRONCH BRANCH BLOCK, AND A PACEMAKER/DEFIBRILLATOR. WITH ALL THIS & SHOULD BE ON A HEART HEALTHY DIET THAT IS APPROVED BY THE AMERICAN HEART ASSOCIATION, AMERICAN HEART HOSPITAL OF SOUTH DAKOTA, AND THE A.M.A. BECAUSE C.B.M. IS FULL OF OZ HEART HEALTHY IS A REGULAR DIET, EXCEPT FOR BUTTER, OR DESERT, YOU CAN GET HAM, SHORT GRASS WHITE RICE, ENRICHED WHITE PASTRY PROCESSED (SEE PAGE TWO)

What action are you requesting: I WANT TO KNOW WHY C.B.M. DOES NOT HAVE A HEART HEALTH DIET APPROVED BY THE AMERICAN HEART ASSOCIATION, AMERICAN HEART HOSPITAL OF SOUTH DAKOTA, AND THE A.M.A. AND MEETS ALL THE U.S. GOVERNMENT REQUIREMENTS AS WELL. LACK OF PROPER DIET CAUSES SERIOUS MEDICAL ISSUES THAT ARE COSTLY

For Staff Use:

Date Received: 8-31-16

Received By: Julie Stevens

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receiving in.

PURSUANT TO F.R.C.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED IN DISCOVERY

16789

PAGE TWO OF NO PROPER DIET, 8-30-16

COLD BREAKFAST CEREAL, INSTANT OATMEAL, AMONG OTHER
FOODS NOT HEART HEALTHY

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 16789

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 09/09/2016 LOCATION: Mike Durfee State Prison

RE: Food Service STATUS: Informational

OFFICIAL RESPONSE:

All special diets are approved by a registered dietician.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Request For Administrative Remedy (G-10)
Please refer to DOC policy 1.3.E.2
Administrative Remedy for Inmates

RE:16789

REQUEST FOR ADMINISTRATIVE REMEDY

Inmate Name: Johnson
Last Name

Leslie
First Name

Inmate Number: 0000006310Date: 9-10-16Unit: M.O.S.P.-H-102-A

State your problem, complaint and the action you request. (Attach original Informal Request Form.)

HAVING A REGISTERED DIETICIAN DOES NOT MEET LIVING THAT YOU HAVE A DIET APPROVED BY THE AMERICAN HEART ASSOCIATION, AUSTA HEART HOSPITAL OF S.D. OR EVEN A.M.A. JUST THE TAKING OF THE BUTTER AND THE DESSERT DOES NOT MAKE A HEART HEALTHY DIET. I WANT TO KNOW WHY C.B.M. RETURNS TO HAVE A HEART HEALTHY DIET APPROVED BY THE AMERICAN HEART ASSOC. OR AUSTA HEART HOSP. OF S.D. OR AT LEAST THE A.M.A.

Do not write below this line. Use additional paper if necessary.

Date Received: 9-12-16 JPReference: 16789Received By: B. Fluke
(Administrative Remedy Coordinator Designee)Assigned To: J StevensDate Reply Received: 10/16 9/19/16 Sent to Inmate On: 9/21/16

Original: To Administrative Remedy File after Warden's response completed.

Copy 1: To Central Records if disciplinary or classification.

Copy 2: To the Inmate with the Warden's response.

Copy 3: To the Unit File with the Warden's response.

Copy 4: To the Inmate when the form is first turned in.

PURSUANT TO F.A.C.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED AS O'S LEAD

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Administrative Remedy Response

REFERENCE #: 16789

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 09/16/2016 LOCATION: Mike Durfee State Prison

RE: Food Service

STATUS: Informational

OFFICIAL RESPONSE:

This is in response to your request for Administrative Remedy wherein you question how the Heart Healthy diet is created.

This issue has been reviewed and the Dietician contacted. The Heart Healthy meals differ from mainline trays in that the sodium, saturated fat, total fat and cholesterol amounts are all modified to meet the nutrient goals. This is for informational purposes.

Warden

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

*RE: monopoly
monopolists
monopoly*

INFORMAL RESOLUTION REQUEST

Inmate Name:

Johnson

Last Name

Leslie

First Name

Inmate Number:

20000830

Date: *9-9-16*

Unit: *M.D.S.P.-H-102-A*

State your problem/complaint. Be specific, giving dates, times and places:

BASED ON THE ADOPTION OF I.R.A.'S #12525 & 16459, ALONG WITH THE NEW POWER'S TO IRR# & A.R.'S # 16657 & 16658. IT IS CLEAR AND EVIDENT THAT S.D.O.C. AND IT'S ADMINISTRATION PROMOTE AND ENCOURAGE THE HAVING OF A MONOPOLY BY C.B.M. AND AS THE MONOPOLISTS. C.B.M. IS ALLOWED TO MONOPOLIZE AND CAPITALIZE FROM ANY AND ALL FOODS ENTERING INTO MILLE D'URFE STATE PRISON. (LOCATED IN SPRINGFIELD, S.D.)

What action are you requesting: *I WANT TO KNOW WHY THE S.D.O.C. AND IT'S ADMINISTRATION AT M.D.S.P. WOULD PROMOTE AND ENCOURAGE ANY FORM OF A MONOPOLY, MONOPOLIZING, OR THE MONOPOLISTIC PRACTICES BY CATERED BY MARLENS (C.B.M.)*

For Staff Use:

Date Received:

9-9-16

Received By:

Julie Stevens

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receipting in.

PURSUANT TO F.A.C.P. RULE #26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERY

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 16893

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 09/16/2016 **LOCATION:** Mike Durfee State Prison

RE: Food Service **STATUS:** Denied

OFFICIAL RESPONSE:

Rejected - issue has already been addressed.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

SWORN STATEMENT OF EVENTS LEADING TO THE
DENIAL OF HELP BY UNIT STAFF DEB EILERS

ON 9-19-16 AT ABOUT 12:25 P.M. I WAS
CALLED TO U.C. EILERS OFFICE. PER OPEN DOOR
PROCEDURES.

I ASKED U.C. EILERS WHAT GRIEVANCE SHE WAS
REFERENCING WHEN SHE REJECTED GRIEVANCE
NO. 16893? HER RESPONSE WAS I DON'T TELL YOU
WHAT GRIEVANCE WAS USED. I DON'T BELIEVE THERE
AS A GRIEVANCE AGAINST C.B.M. FOR MONOPOLY. THERE
IS GRIEVANCE # 19638 AGAINST HEALTH SERVICES
FOR MONOPOLY.

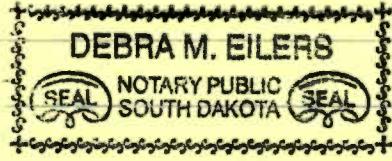
I, Leslie Johnson swear this statement to be
the truth!

Done this 20 day of Sept. 2016
By Leslie Johnson signed Leslie Johnson
Subscribed and sworn to before me now this 20th
Day of Sept. 2016

NOTARY OF PUBLIC

My Commission Expires Nov. 19, 2019

COMMISSION EXPIRES



SEAL OF NOTARY

B

Re: DENIED

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson
Last NameFirst Name LeslieInmate Number 0000008310Date: 8-21-16Unit M.D.S.P.-H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

ON 9-9-16 I SUBMITTED A I.R.A. ON 9-16-16 I GOT THAT I.R.A. BACK. IT WAS NUMBERED 16893 AND HAD BEEN REJECTED SAYING 25522 HAS ALREADY BEEN ADDRESSED. ON 9-19-16 AT ABOUT 12:25 P.M. I DROVE OUT WITH MR. EILERS I ASKED WHAT GRIEVANCE SHE REFERENCED AS ALREADY BEEN ADDRESSED. SHE REPLIED I DON'T TELL YOU WHAT OURS. THAT STATED ANY I.R.A. CAN BE REJECTED FOR ALREADY BEEN ADDRESSED AND CANT BE PROVED.

What action are you requesting: I WANT TO KNOW WHAT I.R.A. WAS USED AS ALREADY BEEN ADDRESSED. TO CHECK FOR PROOF OF SAME

For Staff Use:

Date Received: 9-22-16Received By: DRW

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.2nd Copy: To Unit File after Staff Response.3rd Copy: To Inmate after receiving in.

PURSUANT TO F.R.C.P. RULE # 26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERY

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 17006

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 09/26/2016 **LOCATION:** Mike Durfee State Prison

RE: Other **STATUS:** Informational

OFFICIAL RESPONSE:

The IRR number is 12525.

Julie Stevens / Julie Stevens

Case Manager

Original – Save to System.
Copy 1- To Inmate.

CBM 2ND OFFENSE

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson
 Last Name

Leslie
 First Name

Inmate Number: 0000008310

Date: 10-29-16

Unit: M.S.P.-H-102-4

State your problem/complaint. Be specific, giving dates, times and places:

IN A.R. 15567 C.B.M. food service Director reported that All boost supplement cans are kept refrigerated until moved to serving line. The Boost & have been receiving there been continuously being warmed too warm. 10-27, 28, And 29th after each Box Room Temp or warmer. The serving Director on the Box Heads said chilled. State it room temp.

What action are you requesting: I want CBM to continue serving the Boost chilled as was stated in A.R. 15567 and not to tap off after 3 mos. or less.

For Staff Use:

Date Received: 10-31-16

Received By: Julie Stevens

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.

2nd Copy: To Unit File after Staff Response.

3rd Copy: To Inmate after receipting in.

PURSUANT TO F.R.C.P RULE 26 ANY INFORMATION RECEIVED WILL BE USED AS EVIDENCE

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 17502

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 11/02/2016 LOCATION: Mike Durfee State Prison

RE: Food Service STATUS: Denied

OFFICIAL RESPONSE:

Rejected--issue has already been addressed.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

South Dakota Department of Corrections
Policy
Distribution: Public

Attachment: Informal Resolution Request
Please Refer To DOC policy 1.3.E.2
Administrative Remedy for Inmates

A

RE: MONOPOLIZATION

INFORMAL RESOLUTION REQUEST

Inmate Name: Johnson
Last Name

Leslie
First Name

Inmate Number: 202006310Date: 12-27-16Unit: M.Q.S.P.-H-102-A

State your problem/complaint. Be specific, giving dates, times and places:

C.B.M. POSTED A MENU FOR THE CHRISTMAS MEAL ON 12-24-2016. THIS IS A SPECIAL HOLIDAY MEAL SO C.B.M. IS PAID EXTRA TO PROVIDE AS ABOVE (100% PROFIT). THE MENU POSTED RE: 10 1-5 OZ. PORK LOIN, 1 BAKED POTATO, 4-0Z. CARROTS, 4-0Z. ROASTY APPLESauce, 1 DIVINE ROLL, MARGARINE, 1 FROSTED CHOCOLATE CAKE. THE S.D.O.O.C. PAID EXTRA FOR THIS TO BE PREPARED AND SERVED ON CHRISTMAS DAY. WHAT WAS ACTUALLY PROVIDED WAS AT VERY BEST A 2-0Z. PORK CHOP AND ALL THE REST. THERE WAS NEVER A 5-0Z. PORK LOIN PROVIDED.

What action are you requesting: I WANT TO KNOW, WHY DOES S.D.O.O.C ADMINISTRATE'S ALLOW C.B.M. AND STATE HOLIDAYS BILL THE S.D.O.O.C OUT OF THE EXTRA COST TO PROVIDE AND PROVIDE A 5-0Z. PORK LOIN, BUT INSTEAD PROVIDE A 2-0Z. PORK CHOP

For Staff Use:

Date Received: 12-28-16Received By: D. Martin

What steps did you take to resolve the problem?

What was the result of your attempt?

Date Returned to Inmate: _____ By _____

Original: To Inmate after Staff Response. To be used if appealed.

1st Copy: To Inmate after Staff Response.2nd Copy: To Unit File after Staff Response.3rd Copy: To Inmate after receiving in.

PURSUANT TO F.A.G.P. RULE # 26 ANY INFORMATION RECEIVED WILL BE USED AS DISCOVERED

SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
OFFICIAL RESPONSE



Informal Resolution Response

REFERENCE #: 18558

NAME OF COMPLAINTANT: Leslie Johnson

DOC #: 0000008310

DATE: 01/06/2017 **LOCATION:** Mike Durfee State Prison

RE: Food Service **STATUS:** Denied

OFFICIAL RESPONSE:

Rejected--not a party to the issue.

X Deb Eilers / Deb Eilers

Unit Coordinator

Original – Save to System.
Copy 1- To Inmate.

The reply again was (Rejected-cannot grieve as a group).

3. Plaintiff on August 25, 2016 filed another IRR # 16657, concerning CBM'S intervention with Religious Meals, pertaining to the Monopoly they have. The reply states: (Religious Programs are approved through the Project Applications with orders going through CBM). On August 19, 2016, Plaintiff filed a Request for Administrative Remedy, (hereinafter known as RFAR) See: attached RFAR # 16657 and the Administrative Remedy Response for the same.

4. Plaintiff on August 25, 2016 filed another IRR # 16658 concerning CBM'S Monopoly concerning our Fundraiser's we are allowed. The reply states: (Fundraiser's are an optional program that is up to the discretion of Administration.) Therefore Plaintiff, filed the RFAR on August 29, 2016. See: attached RFAR and the response for the same.

5. Plaintiff on September 9, 2016 filed another IRR # 16789 concerning CBM'S poor menus and how it effects Plaintiff's health, as a result of CBM'S monopoly. The response stated (All Special diets are approved by a registered dietician) who's name they will not provide to Plaintiff. Therefore, Plaintiff filed the RFAR on the same issue. this was filed on September 12, 2016. See: attached RFAR and the response for the same.

6. Plaintiff on September 09, 2016 filed another IRR # 16893 concerning CBM'S monopoly within the food service's at Mike Durfee State Prison. The response stated (Rejected-issue has already been addressed). Also See: Sworn Statement.

7. Plaintiff on September 26, 2016 filed another IRR # 17006 concerning the rejection of IRR # 16893. In their response they stated (The IRR number is 12525).

8. Plaintiff on November 2, 2016 filed another IRR # 17502 concerning CBM'S actions as.a result of their monopoly over us and the lack of oversight by the STATE. The issue was once again (Rejected --issue has already been addressed).

9. Plaintiff on December 27, 2016,filed another IRR # 18558 concerning the meal that was served to us for Christmas. This again shows the effects of the ongoing monopoly the Plaintiff is forced to endure. The response is totally off the wall. (Rejected--not a party to the issue). Where would a response like that come from if it was not a cover-up for the ongoing monopoly.

STATE COURT REVIEW

Plaintiff, felt it was necessary to seek State Court relief. Therefore, he filed in the Sixth Judicial Circuit Court in Hughes County, a Writ of Prohibition, on the 4th day of October, 2016. See: Enclosed copy herein. After they Respondent's failed to respond to the Writ, he requested a Case Summary, and the Clerk of Courts provided to him such document. It showed that this action was filed on 10/07/2016. Then on 12/05/2016 he received from that Court a copy of his Order for Waiver of Fees, with a highlighted section above the Circuit Court Judge [Denied 12/05/2016 /s/ barnett.] Therefore Plaintiff being unable to afford the filing fees made another attempt to find remedy in the State Courts, by filing an Application to Assume Original Jurisdiction with the State Supreme Court. This was done on the 27th day of December, 2016. On January 25, 2017 Plaintiff received from the Supreme Court an Order Denying Petition for Writ of Prohibition; Motion for Summary Judgment and Application for Court to Assume Original Jurisdiction. See: Application and Order attached hereto.

STATEMENT OF FACTS

Plaintiff declares that the term "STATE" shall include the STATE of SOUTH DAKOTA, SOUTH DAKOTA DEPARTMENT OF CORRECTIONS, and DENNY KAEMINGK, the term "Contractor shall include CBM FOOD SERVICE INC. and MARLIN C. SEJNOHA JR.

1. The STATE contacts with CBM FOOD SERVICE INC. to provide all meals to all South Dakota Department of Corrections Adult Correction Facilities. They have had this type of contractual arrangement for at least the last seven (7) years.

2. The STATE contracts with CBM FOOD SERVICE INC. to provide all the Commissary to all South Dakota Department of Corrections Adult Corrections Facilities. They have been this for at least the last seven (7) years.

3. The STATE at Mike Durfee State Prison has recently required all extra meal (Fund Raising Projects) to be provided by CBM FOOD SERVICE INC.

4. The STATE at Mike Durfee State Prison has recently required all extra meals for Religious activities to be provided by CBM FOOD SERVICE INC. This included Native American POW WOW, which resulted in the Contractor's stealing the Buffalo, but it showed up the day it

was needed.

5. The STATE at Mike Durfee State Prison does allow inmate's to place "OUTSIDE ORDERES". These are orders for items that CBM FOOD SERVICE INC. is not wanting to carry. They are limited to approved "Venders". If CBM FOOD SERVICE INC. wishes to provide the same products regardless of the price for the item the STATE will make us by from them.

6. Plaintiff declares that the fact being CBM FOOD SERVICE INC. is the only Food provider and Commissary provider we are allowed to buy from. Therefore, they use the power of that "Monopoly" to inflict the following acts upon the Plaintiff.

a. Contractor intentionally reduces the quality and quantity of food they serve to inmates with the intent to boost commissary sales. Recently the C/O/ Tyler was seen taking photos of the small portions we were served.

b. Contractor has no hearty health diets that meet any standards as set forth by the American Heart Ass. or any other Medical Ass. affiliated with heart healthy diets. In fact the food that is served to us inmate is causing serious health conditions for many of us. Yet because of the Monopoly they have, we are left with no, other remedy.

c. Plaintiff declares the Contractor via their Monopoly uses price controling to extract unreal price from inmate for the commissary food that is needed just to prevent us from going hungry. Such as Typewriter Ribbons, they charge us \$9.99 per ribbon, while the same UPC coded item can be purchased from Office Depot./ Office Max for \$7.49 each, Walmart's cost is \$8.27 for a two pack with free shipping for an Order over \$50.00. Amazon is \$8.09 for a two pack. Shoplet's cost is \$4.46 per ribbon. LD Printer & Office Supply is \$4.99 (compatible) or \$4.00 each for 3 or more.

d: Contactor sells Ramon Noodles to inmates for .35¢ each. Ads that were obtained from local papers, showed that County Fair was selling the same product for 5 for \$1.00, that's .20¢ each.

e. Contactor sells a cheap peanut butter to us inmate for \$2.99 per 18 oz jar. While County Fair was selling a name brand jar of peanut butter for \$1.39 for a 28 oz. jar.

f. Contactor sells crackers (saltines) for \$1.99 per box. While County Fair had a name brand Saltine Cracker for \$1.29 per box

g. Contactor sells a loaf of wheat bread for \$2.00 per loaf while County Foods are selling Wheat Bread for .99¢ per loaf.

It's plain to see from the sample of prices that are stated above that because of the Monopoly we are under, Plaintiff, is not being able to exercise his rights under the commerce clause of the U.S. Const.



Friendly Carry Out Service To Your Car Brought To You By County Fair "The Friendliest Store In Town"

#0102 3.

County Fair FOOD & FUEL

Celebrates 32nd County Fair Birthday Too!



LEGAL ARGUMENT:

1. Plaintiff, declares the legal definition of "Monopoly" as found in Blacks Law Dictionary, Abridged 9th Ed. to wit: " 1. Control or advantage obtained by one supplier or producer over the commercial market within a given region. 2. The market condition existing when only one economic entity produces a particular product or provide a particular service. "

2. Plaintiff declares that title 15 USC § 2 defines a monopoly as: "Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by fine not exceeding \$100,000, 000. if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or both said punishments in the discretion of the Court." Its clear from the contacts with the STATE and CBM FOOD SERVICE INC. that they intentionally conspired to control all the food purchases the Plaintiff or any other inmate is able to purchase, or be served.

3. Plaintiff further declares that title 15 USC § 1 also defines a violation of the restraint of trade to wit: "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract, or engage in any combination or conspiracy hereby declared illegal shall be deemed guilty, and conviction thereof, shall be punished by fine not exceeding \$1,000,000,000 if a corporation, or if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or both said punishments, in the discretion of the court.".

4. Plaintiff, declares that the STATE is a Corporation operating within the means of the UNITED STATES, INC. under a municipal Corp. The other defendant "CBM FOOD SERVICE INC." is also an interstate Public Corporation, operating in various other STATES of the Union. Therefore it is beyond doubt that title 15 USC §§ 1-7 does in fact apply to both the Defendant's. Furthermore this Court has jurisdiction over this matter in accordance with, title 15 USC § 4 to wit: "The several district courts of the United States are invested with jurisdiction to prevent and restrain violations of sections 1 to 7 of

this title; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises." Its clear that the Federal Government has a "shall" obligation to prevent the STATE and the CONTRACTOR, from continuing such a monopoly, as so stated herein. The Parties known as the Defendant's have had this "Contractual" Monopoly ongoing for over 7 years. It is therefore this Court duty under the Law to prevent this type of violations, that the Defendant's are imposing upon him.

5. Plaintiff herein declares that the attached copies of his, "Writ of Prohibition", "Motion for Summary Judgment", and "Application to Assume Original Jurisdiction" are hereby incorporated as supporting documents to this Complaint.

CONCLUSION AND PRAYER FOR RELIEF

1. Plaintiff declares that the "STATE" and the "CONTRACTOR" as indentified herein have acted in a conspiracy to create a "Monopoly", by contracting with CBM FOOD SERVICE, INC. for the only means of the Plaintiff, to get food of any kind. The requirements of the Contracts are also being drawn into question by the "STATE" or their employees. Furthermore Plaintiff has attempted to exhaust his Administrative remedy, along with attempting to exhaust his STATE Court remedies. This resulted in a fruitless effort. Therefore Plaintiff has no other plain or speedy remedy at law, other than to seek relief in the Federal District Court. as stated herein.

Plaintiff prays for the relief as follows:

2. Plaintiff prays this Court will award to him the sum of \$1,000,000.00 one million dollars to be paid by the Defendant's. This amount is derived from the amount of the fine for such violation as set forth in title 15,USC § 1, 2, and 3 of that code. This is lesser amount of all the fines that could be imposed upon the Defendant's.

3. That this Court issue a Temporary restraining Order against

the Defendant's, that would prohibit any further monopolizations against the Plaintiff, and allow the Plaintiff ~~to~~ purchase food/commissary from a list of approved suppliers.

4. Plaintiff, prays this Court would render the Contracts between the Defendant's to be null and void. And furthermore prevent them from entering into any other contracts for this type of services for a period of time as set forth by the Court.

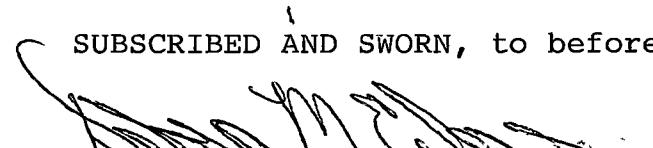
5. Plaintiff, further prays that this Court will afford him any other equitable relief it deems appropriate in this action.

Done this 21 day of February, 2017.

By: 
Leslie Johnson # 8310
c/o Mike Durfee State Prison
1412 Wood Street
Springfield, South Dakota
57062

ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN, to before me now this 21st day of February, 2017.


Notary Public-SOUTH DAKOTA

My Commission Expires: My Commission Expires Nov. 19, 2019

SEAL:

